

H.R. 1157 (Department of State Authorization Act of 2021) Section-by-Section Analysis

Section 1. Short Title; Table of Contents.

Section 2. Definitions. Defines relevant terms that appear throughout this Act.

Section 3. Determination of budgetary effects.

Title I. Organization and Operation of the Department of State

Section 1001. Diplomatic Programs. Authorizes \$9,170,013,000 for Diplomatic Programs for Fiscal Year 2022.

Section 1002. Sense of Congress on Importance of Department of State's Work. Sense of Congress on the importance of the work of the State Department and the U.S. Agency for International Development ("USAID") as agencies that promote U.S. national security and prosperity.

Section 1003. Bureau of Democracy, Human Rights, and Labor. Places any special envoys, ambassadors-at-large, and coordinators within the Bureau of Democracy, Human Rights, and Labor (DRL) under the supervision of the Assistant Secretary of DRL. Codifies the authorities of the Assistant Secretary and existing DRL Bureau.

Section 1004. Assistant Secretary for International Narcotics and Law Enforcement Affairs. Amends the State Department Basic Authorities Act to codify the existing Assistant Secretary for International Narcotics and Law Enforcement Affairs. Delineates areas of responsibility and identifies certain duties for the Assistant Secretary. It also modifies the annual International Narcotics Control Strategy Report to add a requirement related to partner vetting.

Section 1005. Bureau of Consular Affairs; Bureau of Population, Refugees, and Migration. Codifies the existence of two longstanding Bureaus in the Department: the Bureau of Consular Affairs; and the Bureau of Population, Refugees, and Migration.

Section 1006. Office of International Disability Rights. Permissively authorizes the activities of an Office of International Disability Rights, to be supervised by a senior official at the Department's discretion.

Section 1007. Anti-Piracy Information Sharing. Improves the ability of the United States to share and receive information to combat piracy and armed robbery against ships by authorizing continued U.S. participation in the anti-Piracy Information Center in Singapore.

Section 1008. Importance of Foreign Affairs Training to National Security. Expresses the sense of Congress that effective training of State Department personnel is essential to the national security of the United States. Requires the Secretary of State to submit to Congress a strategy to establish a "training float" to allow for up to 15% of Department Foreign and Civil Service employees to participate in long-term training at any given time, and to consider

programs at all training facilities operated by the Department of State and training incentives and disincentives. Encourages the State Department to modernize and expand officer training programs to achieve parity with other parts of federal government and the private sector.

Section 1009. Classification and Assignment of Foreign Service Officers. Permits the State Department to temporarily fill Foreign Service designated positions that have been vacant for more than 365 days with persons who are not members of the Foreign Service.

Section 1010. Energy Diplomacy and Security within the Department of State. Replaces the Coordinator for International Energy Affairs with an authorization for an Assistant Secretary for Energy Resources and a requirement that there be personnel dedicated to energy matters within the Department responsible for various energy policy priorities enumerated in this section.

Section 1011. The National Museum of American Diplomacy. Authorizes the Department to recover costs through fees generated for the use of center facilities and regulates the disposition of artifacts in the Center's control.

Section 1012. Extension of period for reimbursement of fishermen for costs incurred from the illegal seizure and detention of US-flag fishing vessels by foreign governments. Permanently authorizes the Department to reimburse fishermen for fines and direct costs incurred from illegal seizure of U.S.-flag fishing vessels as a result of a claim of jurisdiction not recognized by the United States.

Section 1013. Art in embassies. Requires consultation with and notification to Congress prior to purchase of any individual piece of art in excess of \$25,000 for the next two years and mandates a one-time report on prior costs of the Art in Embassies program for FY2012 through FY2020.

Section 1014. Amendment or repeal of reporting requirements. Eliminates or reduces and revises reporting requirements no longer relevant for Congress and the Department.

Section 1015. Reporting on Implementation of GAO Recommendations. Requires the State Department to report on and justify unimplemented GAO recommendations.

Section 1016. Office of Global Criminal Justice. Permissively authorizes an Office of Global Criminal Justice to be located within the Department at the Secretary's discretion, and describes the duties of the position, with emphasis on forums for accountability for atrocities.

Title II – Embassy Construction

Section 1201. Embassy Security, Construction, and Maintenance. Authorizes \$1,950,449,000 for Embassy Security, Construction, and Maintenance for Fiscal Year 2022.

Section 1202. Standard Design in Capital Construction. A Sense of Congress that the Department should give due consideration to standardization in design of new embassy compounds and keep customization to a minimum.

Section 1203. Capital Construction Transparency. Requires the State Department to report to Congress biannually instead of annually on all ongoing capital construction projects, including information on budget, schedule, and contractor claims for the next four years.

Section 1204. Contractor Performance Information. Requires the State Department to complete contractor performance evaluations required by the Federal Acquisition Regulation, brief Congress, and develop a prioritization system for clearing its current backlog of evaluations.

Section 1205. Growth Projections for New Embassies and Consulates. Requires the State Department to base growth projections for new embassies and consulates on available data (rather than assuming 10% growth for all projects).

Section 1206. Long-Range Planning Process. Requires the State Department to re-start its long-term planning process for building and maintaining new diplomatic posts and reexamining America's overseas diplomatic "footprint" for the next six years.

Section 1207. Value Engineering and Risk Assessment. Requires the State Department to confirm to Congress that it has met standing requirements to conduct value engineering and risk assessment studies on major capital construction projects, and to make the results of those studies available to Congress if requested.

Section 1208. Business Volume. Clarifies existing statute that requires bidders on capital construction projects to have achieved business volume equal to the project they're bidding on cumulatively over three years.

Section 1209. Embassy Security Requests and Deficiencies. Requires the State Department to make available to Congress information on security deficiencies at posts abroad.

Section 1210. Overseas Security Briefings. Requires the State Department to revise the Foreign Affairs Manual to stipulate that information on the current threat environment shall be provided to all U.S. Government personnel traveling overseas on official business—prior to their arrival, to the extent practicable.

Sec. 1211. Contracting Methods in Capital Construction. Requires the State Department to use design-build contracts for capital construction unless the Secretary justifies use of another method to the appropriate congressional committees.

Sec. 1212. Competition in Embassy Construction. Requires the State Department to report to the appropriate congressional committees on efforts to increase competition in embassy construction contracts.

Sec. 1213. Statement of Policy. Expresses that it is the policy of the United States that the State Department's Overseas Building Office should balance functionality and security with accessibility in the construction of U.S. embassies and consulates.

Sec. 1214. Definitions. Defines "design-build" and "non-standard design."

Title III – Personnel Issues

Section 1301. Defense Base Act Insurance Waivers. Requires State to apply for waivers to a law requiring foreign contractors to have workers compensation insurance if contractors are already covered domestically. State used to have waiver authority, but now has to get waivers from Department of Labor and has not done so for all countries in which contractors are covered domestically.

Section 1302. Study on Foreign Service Allowances. Requires the Secretary to submit a report to Congress analyzing the effect of overseas allowances on the foreign assignment of Foreign Service Officers (FSOs), and particularly how such allowances incentivize FSOs to bid on certain assignments, to be conducted by a federally-funded research and development center with appropriate expertise in labor economics and military compensation.

Section 1303. Science and Technology Fellowships. Authorizes the State Department to make grants or enter into cooperative agreements, not to exceed \$500k per fiscal year, related to Department science and technology fellowship programs. This authority would facilitate recruitment and coverage of travel and other appropriate expenses of fellows.

Section 1304. Travel for Separated Families. Allows a Foreign Service Officer's child whose other parent is in a different location to transfer their State Department-paid airline ticket (allowed for in statute for the child to visit the other parent) to the other parent.

Section 1305. Home Leave Travel for Separated Families. Allows a Foreign Service Officer at an unaccompanied post to take their home leave travel wherever their family is residing if they are not residing in the United States.

Section 1306. Sense of Congress Regarding Certain Fellowship Programs. States the sense of Congress on the importance of Department fellowship programs that promote the employment of candidates belonging to under-represented groups.

Section 1307. Technical Correction. Clarifies that certain prerequisites for promotion into the Senior Foreign Service as carried in the Department of State Authorities Act for FY2017 (P.L. 114-323) only apply to Foreign Service Officer generalists (and not specialists).

Section 1308. Foreign Service Awards. Amends the Foreign Service Act of 1980 to clarify that members of the Civil Service may be awarded Department Awards.

Section 1309. Workforce Actions. Encourages the Department to continue recruiting and training personnel at a rate consistent with prior years. Requires that the Secretary notify and report to Congress on the Department's strategic staffing plan prior to pursuing a reduction-in-force or "buyouts" of personnel.

Section 1310. Sense of Congress Regarding Veterans Employment at the Department of State. Encourages the Department to continue to promote the employment of veterans and recognizes their significant contributions.

Section 1311. Employee Assignment Restrictions and Preclusions. Amends the Foreign Service Act of 1980 to expressly grant an employee subjected to an assignment restriction or preclusion the same appeal rights available regarding denial or revocation of security clearance and instructs the Secretary to inform employees of this right by updating the Foreign Affairs Manual accordingly.

Section 1312. Recall and Reemployment of Career Members. Requires the Department and USAID to make public all employment and promotion opportunities, including those offered under merit promotion procedures which shall expressly state that former civil service employees eligible for reinstatement may apply.

Section 1313. Strategic Staffing Plan for the Department. Requires the Secretary to develop a comprehensive five-year strategic staffing plan for the Department that is aligned with the objectives of the National Security Strategy, including data on current and projected workforce needs. Requires a one-time report on root causes and effects of Foreign Service and civil service staffing shortages and the Department's plan to implement related U.S. Government Accountability Office recommendations.

Section 1314. Consulting services. Makes permanent a requirement previously carried in appropriations bills for the State Department to publicize any contract for consulting services, which otherwise may not have been required to be made public.

Section 1315. Incentives for critical posts. Makes the permissive authority for incentive payments to hardship posts permanent.

Section 1316. Extension of Authority for Certain Accountability Review Boards. The waiver of a requirement for an "Accountability Review Board" for incidents involving serious injury or significant destruction of property at U.S. missions is extended for Afghanistan, Syria, and Yemen until September 30, 2022.

Section 1317. Foreign Service suspension without pay. Enables indefinite suspension without pay if FSOs are reasonably believed to have committed an imprisonable crime. For FSOs who have had their security clearance suspended, the provision allows for suspension of duties without pay only after the initial adjudication of their security clearance suspension is completed and requires Congressional notification if the adjudication process endures beyond one calendar year.

Section 1318. Foreign Affairs Manual and Foreign Affairs Handbook changes. Clarifies that the Foreign Affairs Manual and Foreign Affairs Handbook apply to all Department of State personnel with equal force and requires that the Department certify to Congress that it has communicated this fact to all Department personnel within 30 days. Requires quarterly reports to Congress on changes made to the Foreign Affairs Manual or the Foreign Affairs handbook; the requirement sunsets in five years.

Section 1319. Waiver authority for individual occupational requirements of certain positions. Authorizes the Secretary to waive occupational requirements for a civil service position under the GS-0130 (foreign affairs) occupational series based on the individual's technical expertise,

based on demonstrated job performance and qualifying experience. Waivers under this authority must be submitted to the Director of the Office of Personnel Management.

Section 1320. Appointment of employees to the Global Engagement Center. Authorizes non-competitive temporary appointment for three years, with a two-year extension, of staff for the Global Engagement Center.

Section 1321. Rest and recuperation and overseas operations leave for Federal employees. Authorizes up to 20 days of paid leave for rest and recuperation per year for civil service employees to align leave policy with that of other federal agencies.

Section 1322. Emergency medical services authority. Amends the State Department Basic Authorities Act of 1956 to extend emergency medical services or related support for private United States citizens, nationals, and permanent resident aliens abroad or third country nationals connected to such persons or to the diplomatic or development missions of the United States who are unable to obtain such services or support otherwise.

Section 1323. Department of State Internship Program. Creates and provides necessary hiring and administrative authorities to facilitate the Department of State Student Internship Program, a paid internship program open to students enrolled not less than half-time in a U.S. institution of higher education and certain institutions of higher education outside the United States who are able to receive and hold an appropriate security clearance.

Section 1324. Competitive status for certain employees hired by Inspectors General to support the lead IG mission. Amends subparagraph (A) of section 8L(d)(5)(A) of the Inspector General Act of 1978 to extend competitive hiring status to individuals hired by any of the Inspectors General for the Department of Defense, Department of State, or United States Agency for International Development.

Section 1325. Cooperation with the Office of the Inspector General. Requires the Department of State to make explicit in writing to all employees that any personnel who fail to comply with requests for interview or access to documents from the Office of the Inspector General may be subject to administrative discipline. Requires a report to Congress not later than 180 days after the enactment of the Act and quarterly thereafter on non-compliance with Inspector General requests.

Section 1326. Information on educational opportunities for children with special educational needs consistent with the Individuals With Disabilities Education Act. Requires the Director of the Office of Overseas Schools at the Department of State to maintain, update, and make accessible to relevant employees a list of schools receiving assistance from the Office and detailing the extent to which those schools provide for special education services.

Section 1327. Implementation of gap memorandum in selection board process. Amends the Foreign Service Act to stipulate that a member of the Service or Senior Foreign Service whose performance will be evaluated by a selection board may submit a memo explaining a gap in service due to personal circumstances in advance of the evaluation, which the members of the board may not consider as negative.

Title IV – A Diverse Workforce: Recruitment, Retention, and Promotion

Section 1401. Definitions. Defines relevant terms that appear throughout this title.

Section 1402. Collection, Analysis, and Dissemination of Workforce Data. Requires the State Department to report on demographic data related to its workforce and diversity efforts—including enforcing anti-harassment and anti-discrimination policies, preventing unlawful discrimination or retaliation, providing reasonable accommodation, and recruiting a diverse workforce—in a substantial first report and annual updates for five years.

Section 1403. Exit interviews for workforce. Requires the Director General of the Foreign Service to offer departing employees the opportunity for an exit interview and analyze the results for diversity impacts. Encourages periodic interviews with retained staff. Requires the State Department to track demographic data on participation in professional development programs and encourage participation from underrepresented groups.

Section 1404. Recruitment and retention. Encourages the State Department to recruit a diverse workforce by preparing a diversity recruitment plan, recruiting at minority-serving institutions and job fairs in urban and rural communities, and providing opportunities through leadership programs and international affairs organizations dedicated to shared diversity goals. Expands anti-harassment and anti-discrimination training and makes such expanded training mandatory for senior/supervisory officials and officials with personnel-related responsibilities.

Section 1405. Promoting diversity and inclusion in the national security workforce. Outlines guidelines for the Department to increase diversity through the hiring and promotion process, including through best efforts to consider at least one individual reflective of diversity in filling senior Department roles, and requires a report to Congress on the Department's plan to make appointments described in this section transparent, competitive, equitable and inclusive.

Section 1406. Leadership engagement and accountability. Requires the Secretary to implement performance and advancement requirements that reward and recognize senior management efforts to promote diversity and inclusion. Urges senior management to ensure that appointments to external advisory committees or boards represent the diversity of the Department.

Section 1407. Professional development opportunities and tools. Authorizes the Secretary to approve additional external career advancement opportunities, including participation in academic programs; private-public exchanges; and details to outside organizations, such as private or international organizations, state and local governments, and other branches of the Federal Government. Also requires the Secretary to sponsor members of the workforce to participate in a Senior Executive Service candidate development program or similar programs.

Section 1408. Examination and oral assessment for the Foreign Service. Requires the oral assessment to be offered in not fewer than three time zones per year, in cities on a rotating basis.

Section 1409. Payne Fellowship Authorization. Authorizes the existing Donald M. Payne Fellowship program to conduct outreach to help attract outstanding students from diverse ethnic and socioeconomic backgrounds to Foreign Service careers.

Section 1410. Voluntary Participation. Clarifies that all the data collected under Title 4 is voluntary and subject to relevant privacy protections.

Title V – Information Security

Section 1501. Definitions. Defines relevant terms that appear throughout this title.

Section 1502. List of certain telecommunications providers. Requires the State Department to develop and maintain a list in coordination with the Office of the Director of National Intelligence (ODNI), a copy of which shall be submitted annually to the relevant Congressional committees for five years, of contractors that have knowingly participated in a cyberattack or surveillance against the U.S. on behalf of a cyber threat actor, or against individuals for the purposes of suppressing dissent on behalf of a country included in the annual country reports on human rights practices for systematic acts of political repression.

Section 1503. Preserving records of electronic communications conducted related to official duties of positions in the public trust of the American people. Sense of Congress and requirement to certify that the Department has communicated to all personnel that records preservation law applies to communications on electronic messaging systems, software, and applications.

Section 1504. Foreign Relations of the United States (FRUS) series and declassification. Lowers the time frame to automatically declassify Department historical records.

Section 1505. Vulnerability Disclosure Policy and Bug Bounty Pilot Program. Requires the Secretary to establish a Vulnerability Disclosure Process (VDP) through which to engage with security researchers toward discovering Department cyber vulnerabilities. Also requires the Secretary to establish a bug bounty pilot program to register and incentivize private individuals and organizations to conduct research to detect such vulnerabilities.

Title VI – Public Diplomacy

Section 1601. Short title.

Section 1602. Avoiding duplication of programs and efforts. Emphasizes the need for the State Department's Under Secretary for Public Affairs to increase coordination and efficiency, and to eliminate duplicative functions.

Section 1603. Improving Research and Evaluation of Public Diplomacy. Directs the Secretary to conduct regular research and evaluation of public diplomacy programs. Establishes a Director of Research and Evaluation, without increasing overall positions in the Department, and with budget authority and responsibility for directing and coordinating all State Department public diplomacy research and evaluation activities. Recommends allocating increased public diplomacy program funds for research and evaluation. Exempts data collection and its usage from the Paperwork Reduction and Privacy Acts. Establishes a subcommittee for research and evaluation in the Advisory Commission on Public Diplomacy to evaluate the Department's public diplomacy research and evaluation efforts.

Section 1604. Permanent reauthorization of the United States Advisory Commission on Public Diplomacy.

Section 1605. Streamlining of support functions. Requires a report from a working group established by the Department to look at streamlining executive and administrative functions in the family of bureaus under the Undersecretary for Public Diplomacy and Public Affairs.

Section 1606. Guidance for closure of public diplomacy facilities. Requires collecting, analyzing, and disseminating information on the impact on public diplomacy activities in the construction of new embassy compounds that will result in the closure of an American Space.

Section 1607. Definitions.

Title VII – Combating Public Corruption

Section 1701. Sense of Congress. Expresses the Sense of Congress that it is in the foreign policy interest of the United States to help other countries promote good governance and combat public corruption, and that the State Department should promote greater coordination among the Federal departments and agencies implementing programs toward that end.

Section 1702. Annual Assessment. Requires the Secretary for each of the fiscal years 2022 through 2027 to utilize independent, third party indicators and other considerations to assess the capacity and commitment of foreign countries to combat public corruption. Upon completing the assessment, the Secretary is required to provide to the appropriate congressional committees and make publicly available a report that identifies those countries that are: (1) meeting minimum standards to combat public corruption; (2) not meeting minimum standards but making significant efforts to do so; or (3) are neither meeting minimum standards nor making significant efforts to do so. The Secretary may provide a briefing to the appropriate committee in lieu of a report if the Secretary determines that publishing such report would undermine existing U.S. anti-corruption efforts or threaten U.S. national interests.

Section 1703. Transparency and Accountability. Requires the Secretary, in coordination with the USAID Administrator, to ensure that a corruption risk assessment and mitigation strategy is included in the integrated country strategy for each country identified as either “not meeting minimum standards but making significant efforts to do so,” or “neither meeting minimum

standards nor making significant efforts.” Further requires the Secretary, in coordination with the Administrator, to utilize appropriate mechanisms to combat corruption in such countries.

Section 1704. Designation of Embassy Anti-Corruption Points of Contact. Requires the Secretary to designate an anticorruption point of contact at the U.S. mission to each country identified pursuant to Section 1702. Points of contact shall be responsible for coordinating and overseeing a whole-of-government approach to combatting public corruption in their posted countries.

Title VIII – Other Matters

Section 1801. Case-Zablocki Act Reform. Requires each department or agency that enters into international agreements on behalf of the United States to designate an officer responsible for transmitting the text of those agreements to the State Department expeditiously, and requires transmission to Congress within 30 days of signing.

Section 1802. Limitation on assistance to countries in default. Makes permanent long-standing limitation previously included in annual appropriations acts regarding types of assistance that can be provided to countries in default.

Section 1803. Sean and David Goldman Child Abduction Prevention and Return Act of 2014 amendment. Adds metrics—specifically, the number of children involved in cases and the number of pending cases—to an annual report the Secretary is required to provide to Congress pursuant to the Sean and David Goldman Child Abduction Prevention and Return Act.

Section 1804. Modification of authorities of Commission for the Preservation of America’s Heritage Abroad. Amends an authority to advocate for and fund preservation of sites of historical significance to America’s heritage abroad to add the purpose of seeking unimpeded access to those sites. Establishes the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate as recipients of the Commission’s regular reporting and requires a one-time report from the Commission evaluating its capacity to continue its current activities in the event the geographic mandate of the commission were to be expanded.

Section 1805. Chief of mission concurrence. Strengthens consultation between chiefs of mission and relevant individuals at U.S. diplomatic missions or other elements of the Department of State regarding chief of mission concurrence.

Section 1806. Report on efforts of the Coronavirus Repatriation Task Force. Requires a report to Congress evaluating the efforts of the Department’s Coronavirus Repatriation Task Force identifying impediments to repatriation, lessons learned from such repatriations, and any changes planned to future repatriation efforts to incorporate lessons learned.